IN THE HIGH COURT OF JUDICIATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.968 OF 1998

The Commissioner of Income-tax,
Bombay City V, Bombay .. Applicant.
V/s.
M/s.Cynamid India Ltd. .. Respondent.

Mr.Parag Vyas with Mr.Ashok Kotangale & Mr.A.S. Rao for the applicant.
Mr.Pramod Vaidya i/b. S.N. Inamdar for the respondent.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 18TH OCTOBER, 2005.

P.C. :

1. Heard the learned counsel for the applicant. The Tribunal has referred following question for the opinion of this Court reading as under :-

> Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding that husk isan agricultural product and consequently the assessee is entitled to the deduction of Rs.3,39,246/- u/s.35C of the I.T. Act, 1961 ?

2. Both the learned counsel for the parties fairly submits that the above question has already been answered by the Supreme Court in the case of CIT V/s. Cynamid India Ltd. [(1999) 237 ITR 585 (SC)] in favour of the assessee and against the revenue. In this view of the matter, question stands answered in affirmative for the reasons stated in the case cited supra. Reference, accordingly stands disposed of with no order as to costs.

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